

Remarks

I. Status of the Claims

Claim 24 has been amended. No new matter has been presented by this amendment. Claims 52-54 and 61-63 have been canceled. Claims 24, 25, 30-31, 37-51, 55-60, and 64-66 are currently pending in this application. The Examiner has objected to claims 55-60 and 64-66. Claims 40-51 have been allowed.

II. Claim Objection

The Examiner has objected to claims 55-60 and 64-66 as being dependent on a rejected base claim. Office Action dated August 19, 2004, page 7. Applicants' amendments to claim 24 should abrogate the rejections, thus rendering the objection to claims 55-60 and 64-66 moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objection.

III. Rejections Under 35 U.S.C. § 102

Claims 24, 25, 28, 29, 32, and 52-54 stand rejected as allegedly anticipated by EP 0 435 436 A2 (*Francoeur*) and claims 24, 25, 28, 29, 32, 37, 38, and 61-63 as allegedly anticipated by U.S. Patent No. 5,376,646 (*Pittrof*). Office Action dated August 19, 2004, pages 3-4. Claims 28 and 29 were previously canceled in the Amendment filed May 26, 2004. Claim 32 was previously canceled in the Amendment filed January 5, 2004. Claims 52-54 and 61-63 are currently canceled. The rejections are moot as to the canceled claims. Thus, independent claim 24 and dependent claims 25, 37, and 38 remain rejected under 35 U.S.C. § 102. Applicants respectfully traverse these rejections for the reasons of record, supplemented as follows.

Applicants respectfully submit that neither reference anticipates claims 24, 25, 37, and 38 because the references do not each and every element of the claims. Nonetheless, solely to advance prosecution Applicants have amended claim 24. In view of the amendment, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102.

IV. Rejections Under 35 U.S.C. § 103

Claims 24, 25, 28-32, 36-39, and 61-63 stand rejected as unpatentable under 35 U.S.C. § 103(a) over the combination of *Pittrof* and International Publication No. 96/13249 ("*San-Doz*"). Office Action dated August 19, 2004, pages 4-5. Claims 28 and 29 were previously canceled in the Amendment filed May 26, 2004. Claims 32 and 36 were previously canceled in the Amendment filed January 5, 2004. Claims 61-63 are currently canceled. Thus, independent claim 24 and dependent claims 25, 30-31, and 37-39 remain rejected under 35 U.S.C. § 103. Applicants respectfully traverse the rejection for the reasons of record, supplemented as follows.

Applicants respectfully submit that the claims are not rendered obvious by the combination of *Pittrof* and *San-Doz* because the combined references do not teach or suggest all of the elements of the claims, which recite clarithromycin, sirolimus, and SDZ ASM 981. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

V. Conclusion

In view of the foregoing amendment and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 

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